

F. RILEY HALL
(1922-2004)

LAW OFFICE
HALL & HALL
355 E. CENTER STREET
SUITE 101
MARION, OHIO 43302
FAX (740) 382-9609
E-MAIL: law@hallandhallatty.com

KEVIN R. HALL
(740) 383-6109

January 10, 2019

VIA HAND DELIVER and
SENT VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RECEIVED JAN 15 2019

Marion City Clerk of Council
233 West Center Street
Marion, Ohio 43302

**NOTICE OF DATE, TIME, AND PLACE OF FILING PETITION FOR
ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF MARION, OHIO
BY OWNERS OF REAL ESTATE (O.R.C. 709.023 and other relevant sections in
Chapter 709 of the Ohio Revised Code)**


Dear Clerk:

On January 10, 2019, there was filed with the Board of the County Commissioners of Marion County, Ohio, a petition signed by Marion Development, Inc. and Humble Robinson Group, LLC, being all of the owners of the real estate described in the petition, praying that the territory be annexed to the City of Marion, Ohio, as provided in accordance with O.R.C. Section 709.023 and other relevant sections in Chapter 709 of the Ohio Revised Code of the State of Ohio.

The described territory is adjacent and contiguous with the City of Marion, Ohio. A legal description and a map of the territory accompanied the filing of the petition. Also filed on said date and time was a "List of Owners and Parcels Adjacent to or Across the Road from Territory to be Annexed". The territory to be annexed is also known as 70.309 acres of land located on Victory Road, Marion Township, Marion County, Ohio.

This notice and the enclosed documents are being provided to you pursuant to O.R.C. Section 709.023 as "owners of property adjacent to the territory proposed for annexation or adjacent to a road that is adjacent to that territory and located directly across the road from that territory".

Enclosed please find a file-stamped copy of the petition with the attached legal description and survey map to said property. Also, please find a file-stamped copy of a "List of Owners and Parcels Adjacent to or Across the Road from Territory to be Annexed".



Kevin R. Hall
Agent for Petitioners



**PETITION BY ONE HUNDRED PERCENT (100%)
OF THE OWNERS OF CERTAIN TERRITORY FOR ANNEXATION
FROM THE TOWNSHIP OF MARION
TO THE CITY OF MARION
PURSUANT TO O.R.C. 709.02, 709.021, 709.023**

**(SPECIAL ANNEXATION PROCEDURE WHERE LAND IS
NOT EXCLUDED FROM TOWNSHIP AND NO AGREEMENT WITH THE TOWNSHIP)**

To: Board of County Commissioners
of Marion County, Ohio

1. The undersigned, being all of the owners of the real estate in the following described territory, hereby petitions for annexation of the following territory to the City of Marion, Marion County, Ohio, all in accordance with Sections 709.02, 709.021 and 709.023 and other relevant sections in Chapter 709 of the Ohio Revised Code of the State of Ohio, to-wit:

Being part of the Southeast and Northeast Quarters of Section 11 in the State of Ohio, County of Marion, and Township of Marion, and being further described in EXHIBIT A, attached hereto and made a part hereof, consisting of 70.309 acres, more or less.

Permanent Parcel Nos.:	20-001000.7000	20-001000.7100
	20-001000.4100	20-001000.7001

2. The territory does not exceed 500 acres and is adjacent to and contains a contiguous boundary of at least 5% of its perimeter with the City of Marion, Ohio.

3. Attached as EXHIBIT "B" is an accurate survey map showing the boundaries of the territory sought to be annexed entitled "Annexation Plat of 70.309 Acres from Marion Township to the City of Marion" dated June 20, 2018.

4. This annexation will not create an unincorporated area in the township that will completely be surrounded by the territory to be annexed and will not create an island of unincorporated territory.

5. There are two (2) owners of four (4) parcels of real estate, being all of the owners of the real estate in the territory to be annexed, to-wit:

<u>Owner</u>	<u>Parcels/Lots</u>	<u>Permanent Parcel No.</u>
Marion Development Inc.	32.659 acres	20-001000.7000
6325 County Highway 61	17.027 acres	20-001000.7100
Upper Sandusky, OH 43351		
Marion, Ohio 43302		
Humble Robinson Group LLC	15.596 acres	20-001000.4100
811 N. Main Street	5.027 acres	20-001000.7001

6. Kevin R. Hall is appointed agent for the petitioners as required by O.R.C. Section 709.02, with full power to amend, increase or decrease area, to do any and all things related thereto, and to take any action necessary for obtaining the granting of this Petition, without further expressed consent of Petitioners. The address of the agent is as follows:

Kevin R. Hall
Attorney at Law
355 East Center Street, Suite 101
Marion, Ohio 43302
Phone: (740) 383-6109

7. This Petition is filed without an agreement between the City of Marion and Marion Township.

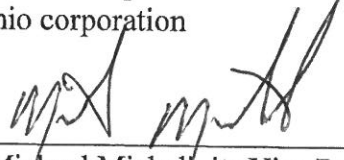
WARNING TO PETITIONERS

WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS ENTRY OF ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE. (O.R.C. §709.023)

Petitioner:

Marion Development Inc.
an Ohio corporation

Date Signed: Dec 24, 2018

By: 
Michael Micheli, its Vice President

Humble Robinson Group, LLC
an Ohio limited liability company

Date Signed: 5 Dec, 2018

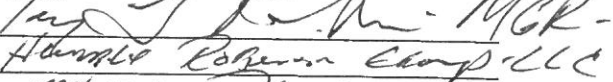
By: 
Humble Robinson Group LLC
Its Marybeth Pather

EXHIBIT A

DESCRIPTION OF 70.309 ACRES

Situated in the State Ohio, County of Marion, Marion Township, being a part of the Southeast and Northeast Quarters of Section 11, Township 5 South, Range 15 East, being a part of that 31.20 acre parcel (Tract 2), that 23.2 acre parcel (Tract 4), and that 23.2 acre parcel (Tract 5), all as described in a deed to Marion Development Inc., of record in Deed Volume 375, Page 360, and being all of those 5.027 acre and 15.596 acre parcels, both as described in a deed to Humble Robinson Group, LLC, of record in Book 1434, Page 770, all records referenced herein are on file at the Office of the Recorder for Marion County, Ohio, and being further bounded and described as follows:

Commencing for reference at a railroad spike found 8 inches below the pavement at the intersection of the centerline of survey for Marion-Williamsport Road (County Road 162, variable width, being also the south line of said Section 11) and the centerline of right-of-way for Victory Road (County Road 215-A, 60 feet wide), said point being the southwest corner of that 32.717 acre tract described in a deed to County of Marion, Ohio, of record in Official Record 201, Page 771, and being the southeast corner of that 1,243.363 acre tract described in a deed to State of Ohio, of record in Deed Volume 281, Page 149;

Thence **North 00 degrees 20 minutes 35 seconds East**, along the centerline of right-of-way for said Victory Road, along the west line of said 32.717 acre tract, and along the east line of said 1,243.363 acre tract, (passing at a distance of 689.99 feet a railroad spike found 2 inches below the pavement), a total distance of **1,096.76 feet** to a MAG nail set at the northwest corner of said 32.717 acre tract, being the southwest corner of said 5.027 acre tract, and being the **TRUE POINT OF BEGINNING** for this description;

Thence **North 00 degrees 20 minutes 35 seconds East**, continuing along the centerline of right-of-way for said Victory Road, along the west line of said 5.027 acre tract, continuing along the east line of said 1,243.363 acre tract, along the west line of said Tract 2 and the west line of said Tract 4, (passing at a distance of 223.04 feet a MAG nail set at the northwest corner of said 5.027 acre tract, being the southwest corner of said Tract 2), a total distance of **2,072.78 feet** to a MAG nail set at the southwest corner of that 10.00 acre tract described in a deed to United Mobile Homes of Ohio, Inc., of record in Official Record 65, Page 335;

Thence across said Tract 4, and said Tract 5 along the following two (2) described courses:

1. **South 89 degrees 35 minutes 49 seconds East**, along the south line of said 10.00 acre tract, (passing at a distance of 29.84 feet a 1/2 inch iron pipe found 1 inch below ground and 0.32 feet offline to the south, passing at a distance of 50.00 feet an iron pin set on line, and passing at a distance of 1,346.34 feet an iron pin set on line), a total distance of **1,376.34 feet** to the southeast corner of said 10.00 acre tract, being on the west limited access right-of-way line for United States Route 23 (variable width), as established by Parcel 117-WL (MAR-23-10.63), of record in Deed Volume 435, Page 196, (reference a 1/2 inch iron pipe found South 89 degrees 35 minutes 46 seconds East at a distance of 0.07 feet and a 1 inch iron pipe found with a "R B Assoc" cap North 00 degrees 41 minutes 02 seconds East at a distance of 0.17 feet);

2. **South 07 degrees 09 minutes 48 seconds East**, along said limited access right-of-way line, (passing at a distance of 30.00 feet a 1 inch iron pin set on line, passing at a distance of 529.55 feet a 5/8 inch iron pin set at the northeast corner of said 15.596 acre tract), a total distance of **1,073.35 feet** to a 5/8 inch iron pin set at an angle point;

Thence **South 02 degrees 55 minutes 44 seconds East**, along the limited access right-of-way line as established by Parcel 1001-WL (MAR-23-12.17), and along the east line of said 15.596 acre tract, (passing at a distance of 935.54 feet an iron pin set on line), a total distance of **965.54 feet** to a 5/8 inch iron pin found 3 inches above the ground with a "R B Assoc" cap at the southeast corner of said 15.596 acre tract, being the northeast corner of said 32.717 acre tract;

Thence **South 88 degrees 46 minutes 05 seconds West**, along the south line of said 15.596 acre tract, and along the north line of said 32.717 acre tract, (passing at a distance of 30.00 feet an iron pin set on line, passing at a distance of 521.92 feet an iron pin set at the southwest corner of said 15.596 acre tract, being the southeast corner of said 5.027 acre tract, passing at a distance of 1,522.26 feet an iron pin set on line, and passing at a distance of 1,542.31 feet a 5/8 inch iron pin found on line), a total distance of **1,572.26 feet** to the **TRUE POINT OF BEGINNING** for this description.

The above description contains a total of **70.309 acres** (including 1.427 acres within the present road occupied of Victory Road), of which:

- 5.027 acres (including 0.153 acres within the present road occupied of Victory Road) within Marion County Auditor's parcel number 200010007001,
- 32.659 acres (including 0.911 acres within the present road occupied of Victory Road) within Marion County Auditor's parcel number 200010007000,
- 17.027 acres (including 0.363 acres within the present road occupied of Victory Road) within Marion County Auditor's parcel number 200010007100,
- And 15.596 acres within Marion County Auditor's parcel number 200010004100.

Bearings described herein are based on Grid North, referenced to the Ohio State Plane Coordinate System (North Zone) and the North America Datum of 1983 (2011 Adjustment), as established utilizing a GPS survey tied to the Ohio Department of Transportation VRS Network.

Iron pins referenced as set are 1 inch diameter by 30 inch long rebar, unless noted as 5/8 inch iron pin set, which are 5/8 inch diameter by 30 inch long rebar with caps inscribed "ASI PS-8438".

The above description was prepared by Brian P. Bingham, Registered Professional Surveyor Number 8438, is based on an actual survey of the premises, and is true and correct to the best of my knowledge and belief.

American Structurepoint, Inc.


Brian P. Bingham
Registered Professional Surveyor No. 8438



6/20/2018
Date

PARCEL ID	AUDITOR'S RECORD ACREAGE	ANKERED ACREAGE (NEARBY)
200010007000	31,200 Acres	32,539 Acres
200010007001	6,027 Acres	6,027 Acres
200010007100	20,501 Acres	17,027 Acres
200010004100	15,516 Acres	15,516 Acres

P.O. 210015007000
Market Development Inc.
D.V. 578, Pg. 360
Trest No. 2
3122 Ad. (enriched)

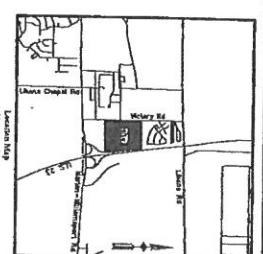
PID: 200010007100
 Tract No. 4
 2312 Ac. (approx)

Exhibiting Corporation Use
City of Norton Resolution No. 2002-11
Norton County Commissioners' Publications No. 2002-0033

PDR 151300001300
 United Mobile Homes of
 Ohio, Inc.
 O.R. 65, Pg. 335
 Parcel No. 2
 10.00 Ac. (original)

TOTAL PERIMETER OF NEW ANNEXATION = 7,000 FT
LENGTH OF EXISTING ADJOINING CORPORATION LINE = 3,440 FT
PERCENT OF CONTIGUITY WITH EXISTING CORPORATION LINE = 49.0%

The bearings described herein are based on Grid North, referenced to the Canadian National Geospatial System (North Zone) and the North American Datum of 1983 (NAD 83). Information for additional plotting is given by the ODOT VRS software.



SUBORDINATE PARTICIPATION
THE PLAN WAS PREPARED BY BRIAN R. BINGHAM, REGISTERED PROFESSIONAL FINANCER NO. 80838, AND IS BASED ON AN ACTUAL FIELD SURVEY PERFORMED BY AMERICAN STRUCTUREPOINT, INC., AND IS INTENDED TO BE CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

AMERICAN STRUCTUREPOINT, INC.

DATE _____

[illegible]

ANNEXATION PLAT
FOR
70.309 ACRES
MARION TOWNSHIP, MARION COUNTY, OHIO

STRUCTUREPOINT INC.
2582 Corporate Exchange Drive • Suite 300
Columbus, Ohio 43231
TEL 614.901.2331 / FAX 614.901.3226

HUMBLE
CONSTRUCTION CO.

**LIST OF OWNERS AND PARCELS
ADJACENT TO
OR ACROSS THE ROAD
FROM THE TERRITORY PROPOSED
TO BE ANNEXED.**



Now comes Kevin R. Hall, agent for Petitioners, Marion Development Inc., and Humble Robinson Group, LLC, and states the following:

a. The following are the names, addresses and permanent parcel numbers of the parcels proposed to be annexed:

Marion Development Inc.	32.659 acres	20-001000.7000
6325 County Highway 61	17.027 acres	20-001000.7100
Upper Sandusky, OH 43351		
Marion, Ohio 43302		

Humble Robinson Group LLC	15.596 acres	20-001000.4100
811 N. Main Street	5.027 acres	20-001000.7001

b. Attached hereto is a list of owners, their addresses and the permanent parcel numbers of those parcels located adjacent to and across the road from the territory proposed to be annexed.



Kevin R. Hall (#0038553)
Attorney at Law
355 East Center Street, Suite 101
Marion, Ohio 43302
Phone: (740) 383-6109
Fax: (740) 382-9609
Email: law@hallandhallatty.com
Agent for Petitioners

LIST OF ADJACENT OWNERS

United Mobile Homes
c/o of Juniper Business Plaza
3499 Rt 9 North Suite 3C
Freehold, NJ 07728
Permanent Parcel No.: 15-13000.1300

Crowing Touch LLC
2180 State Route 229
Ashley, Ohio 43003
Permanent Parcel No.: 20-001001.3200

Hildreth Land Company Ltd
PO Box 905
Marion, Ohio 43301-0905
Permanent Parcel No.: 20.001000.4200

Jay G. Woods
1623 Cascade Drive
Marion, Ohio 43302
Permanent Parcel No.: 20-001000.3812

County of Marion
222 West Center Street, Suite 1110
Marion, Ohio 43302
Permanent Parcel No.: 20-001000.7004

County of Marion
c/o Republic Services
PO Box 29246
Phoenix, AZ 85038
Permanent Parcel No.: 20-001000.7002

Marion Correctional Institution
PO Box 57 ATTN ACCTS PAYABLE
Marion, Ohio 43301-0057
Permanent Parcel No.: 15-130000.0700
Permanent Parcel No.: 15-130000.0900